

Working Draft for Part XIII of the Stormwater Regulations

(October 16, 2006 TAC discussion)

Part XIII

Fees

4VAC50-60-700. Purpose.

Sections [10.1-603.4](#) and [10.1-603.5](#) of the Code of Virginia authorize the establishment of a statewide fee schedule for stormwater management and state agency projects. ~~These regulations in this~~ This part ~~establish~~ establishes the fee assessment and the collection and distribution system for those fees.

4VAC50-60-710. Definitions.

The following words and terms used in this chapter have the following meanings:

~~"Permit applicant" means for the purposes of this part any person submitting a permit application for issuance, reissuance, or modification, except as exempted by 4VAC50-60-740, of a permit or filing a registration statement or permit application for coverage under a general permit issued pursuant to the Act and this chapter.~~

~~"Permit application" means for the purposes of this part the forms approved by the Virginia Soil and Water Conservation Board for applying for issuance or reissuance of a permit or for filing a registration statement or application for coverage under a general permit issued in response to the Act and this chapter. In the case of modifications to an existing permit requested by the permit holder and not exempted by 4VAC50-60-740, the application shall consist of the formal written request and any accompanying documentation submitted by the permit holder to initiate the modification.~~

4VAC50-60-720. Authority.

The authority for this part is pursuant to §§10.1-603.4 and 10.1-603.4:1 of the Code of Virginia and enactment clause 7 governing the transfer of the relevant provisions of Fees for Permits and Certificates Regulations, 9VAC25-20, in accordance with Chapter 372 of the 2004 Virginia Acts of Assembly.

4VAC50-60-730. Applicability.

A. This part applies to:

1. ~~All permit applicants for issuance of persons seeking coverage of a MS4 system under a new permit or reissuance of an existing permit, except as specifically exempt under 4VAC50-60-740 A.~~ The fee due shall be as specified under 4VAC50-60-800 ~~or 4VAC50-60-820.~~

2. All permittees who request that an existing MS4 individual permit be modified, except as specifically exempt under 4VAC50-60-740 ~~A-1~~ of this chapter. The fee due shall be as specified under 4VAC50-60-810.

3. All persons seeking coverage under the General Permit for Discharges of Stormwater From Construction Activities or a person seeking an individual permit for Discharges of Stormwater From Construction Activities. The fee due shall be as specified under 4VAC50-60-820.

4. All permittees who request modifications to or transfers of their existing registration statement for coverage under a General Permit for Discharges of Stormwater From Construction Activities. The fee due shall be as specified under 4VAC50-60-825 in addition to any additional fees necessary pursuant to 4VAC50-60-820 due to an increase in acreage.

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~~B. An applicant for a permit involving a permit that is to be revoked and reissued~~ Persons who are applicants for an individual permit as a result of existing permit revocation shall be considered an applicant for a new permit. The fee due shall be as specified under 4VAC50-60-800.

Persons whose coverage under the General Permit for Discharges of Stormwater From Construction Activities has been revoked shall reapply for an individual permit for Discharges of Stormwater From Construction Activities. The fee due shall be as specified under 4VAC50-60-820.

~~C. Permit maintenance fees~~ Permit and permit coverage maintenance fees may apply to each Virginia Stormwater Management Permit (VSMP) permit holder. The fee due shall be as specified under 4VAC50-60-830.

4VAC50-60-740. Exemptions.

No permit application fees will be assessed to:

1. Permittees who request minor modifications or minor amendments to permits as defined in 4VAC50-60-10.
2. Permittees whose permits are modified or amended at the initiative of the permit-issuing authority.

4VAC50-60-750. Due dates for Virginia Stormwater Management Program (VSMP) Permits.

~~A. Permit application fees for all new permit applications are due on the day a permit application is submitted and shall be~~ Requests for a permit, permit modification, or general permit coverage shall not be processed until the fees required pursuant to this part are paid in accordance with 4VAC50-60-760. Applications will not be processed without payment of the required fee.

~~B. A permit application fee is due on the day a permit application is submitted for a major modification that occurs (and becomes effective) before the stated permit expiration date. There is no application fee for a major modification or amendment that is made at the permit issuing authority's initiative.~~

~~CB. Permit~~ Individual permit or general permit coverage maintenance fees shall be paid annually to the permit-issuing authority by October 1 of each year the anniversary date of permit issuance or general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General Permit coverage maintenance fees shall be applied until a Notice of Termination has been received and approved.

MS4 permittees currently paying maintenance fees on October 1 of each year shall continue to pay the maintenance fee on October 1 until their current permit expires. Upon reissuance of the MS4 permit, maintenance fees shall be paid on the anniversary date of the reissued permit.

~~Effective April 1, 2005, any permit holder whose permit is effective as of April 1 of a given year (including permits that have been administratively continued) shall pay the permit maintenance fee or fees to the permit issuing authority by October 1 of that same year.~~

4VAC50-60-760. Method of payment.

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A. Fees shall be submitted electronically or be paid by check, draft or postal money order payable to:

1. ~~the~~ The Treasurer of Virginia, for a MS4 individual or general permit or for a coverage issued under the General Permit for Discharges of Stormwater From Construction Activities by the Department, to the permit-issuing authority, and must be in U.S. currency, except that agencies and institutions of the Commonwealth of Virginia may submit Interagency Transfers for the amount of the fee. To pay electronically, go to the ~~Department of Conservation and Recreation's~~ stormwater management section of the ~~Department's~~ Department of Conservation and Recreation's public website at <http://www.dcr.virginia.gov>. Fees not submitted electronically shall be sent to the following address: ~~Virginia Department of Conservation and Recreation, Division of Finance, Accounts Payable, 203 Governor Street, Richmond, VA 23219.~~

Virginia Department of Conservation and Recreation
Division of Finance, Accounts Payable
203 Governor Street
Richmond, VA 23219

2. The local program authority, for coverage issued under the General Permit for Discharges of Stormwater From Construction Activities by a local program, and must be in U.S. currency.

B. Required information for Department issued permits or permit coverage: All applicants ~~for new permit issuance, permit reissuance, or permit modification~~ shall submit the following information along with the fee payment or utilize the Department of Conservation and Recreation Permit Application Fee Form:

1. Applicant name, address and daytime phone number.
2. Applicant Federal Identification Number (FIN).
3. The name of the facility/activity, and the facility/activity location.
4. The type of permit applied for.
5. Whether the application is for a new permit issuance, permit reissuance or permit modification.
6. The amount of fee submitted.
7. The existing permit number, if applicable.

4VAC50-60-770. Incomplete payments and late payments.

All incomplete payments will be deemed as nonpayments.

Interest may be charged for late payments at the underpayment rate set out by the U.S. Internal Revenue Service established pursuant to §6621(a)(2) of the Internal Revenue Code. This rate is ~~prescribed~~ set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate.

A 10% late payment fee may be charged to any delinquent (over 90 days past due) account.

The permit-issuing authority is entitled to all remedies available under the Code of Virginia in collecting any past due amount and may recover any attorney's fees and/or other administrative costs incurred in pursuing and collecting any past due amount. (Can this apply to localities?)

4VAC50-60-780. Deposit and use of fees.

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All fees collected by the ~~board~~ local program or department in response to this chapter shall be deposited into a special nonreverting fund.

1. Fees collected by the Department shall be deposited into ~~known as~~ the Virginia Stormwater Management Fund ~~established by~~, and shall be used and accounted for as specified in §10.1-603.4:1 of the Code of Virginia. Fees collected by the Department shall be exempt from statewide indirect costs charged and collected by the Department of Accounts.

2. Fees collected by a local program shall be deposited into a special fund created by the program authority and used to carry out the local program's responsibilities per Part II and Part IIIA of these regulations.

Whenever the board has delegated a stormwater management program to a ~~locality~~ local program ~~or is required to do so by the Act~~, no more than 30% of the total revenue generated by the statewide stormwater management fees collected within the locality shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund.

4VAC50-60-790. General.

~~Each permit application for a new permit each permit application for reissuance of a permit, each permit application for major modification of a permit, and each revocation and reissuance of a permit is a~~ The fees for permits, permit coverage, permit modification, or permit transfers are considered separate actions and shall be assessed a separate fee, as applicable. ~~The fees for each type of permit that the permit issuing authority has the authority to issue, reissue or modify will be as specified in this part.~~

4VAC50-60-800. Fee schedules for VSMP Municipal Separate Storm Sewer System new permit issuance.

The following fee schedule applies to permit applications for issuance of a new VSMP Municipal Separate Storm Sewer System permit.

VSMP Municipal Stormwater / MS4 Individual (Large and Medium)	\$21,300 <u>\$12,000</u>
VSMP Municipal Stormwater / MS4 Individual (Small)	\$2,000 <u>\$6,000</u>
VSMP Municipal Stormwater / MS4 General Permit (Small)	\$600 <u>\$2,700</u>

4VAC50-60-810. Fee schedules for major modification of MS4 individual permits ~~or certificates requested by the permittee-permittee~~.

The following fee ~~schedules~~ schedule ~~apply~~ applies to applications for major modification of an individual MS4 permit requested by the permittee:

~~The permit application fees listed in the table below apply to a major modification of a VSMP Municipal Separate Storm Sewer Systems Permit that occurs (and becomes effective) before the stated permit expiration date.~~

VSMP Municipal Stormwater / MS4 Individual (Large and Medium)	\$10,650 <u>\$4,000</u>
VSMP Municipal Stormwater / MS4 Individual (Small)	\$1,000

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	<u>\$2,000</u>
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4VAC50-60-820. Fees for filing permit applications (registration statements) individual or for general permits issued by the permit-issuing authority for discharges of stormwater from construction activities

The following fees apply to filing of permit applications (registration statements) for all general permits issued by the permit-issuing authority, except VSMP Stormwater Construction General Permits individual or general permits for discharges of stormwater from construction activities.

The fee for filing a permit application (registration statement) for coverage under a VSMP stormwater general permit issued by the permit-issuing authority shall be:

VSMP General / Stormwater Management - Phase I Land Clearing (Large Construction Activity - Sites or areas within common plans of development or sale equal to or greater than 5 100 acres)	\$500 <u>\$6,877</u>
VSMP General / Stormwater Management - Phase I Land Clearing (Large Construction Activity - Sites or areas within common plans of development or sale equal to or greater than 50 acres and less than 100 acres)	<u>\$4,357</u>
VSMP General / Stormwater Management - Phase I Land Clearing (Large Construction Activity - Sites or areas within common plans of development or sale equal to or greater than 10 acres and less than 50 acres)	<u>\$3,207</u>
VSMP General / Stormwater Management - Phase I Land Clearing (Large Construction Activity - Sites or areas within common plans of development or sale equal to or greater than 5 acres and less than 10 acres)	<u>\$2,427</u>
VSMP General / Stormwater Management - Phase II Land Clearing (Small Construction Activity - Sites or areas within common plans of development or sale equal to or greater than 1 acre and less than 5 Acres)	\$300 <u>\$1,971</u>
VSMP General / Stormwater Management - Phase II Land Clearing (Small Construction Activity – Sites (within designated areas of Chesapeake Bay Act localities) equal to or greater than 0.5 acre and less than 1 acre)	<u>\$1,073</u>
VSMP General / Stormwater Management - Phase II Land Clearing (Small Construction Activity - Sites (within designated areas of Chesapeake Bay Act localities) equal to or greater than 2,500 square feet and less than 0.5 acre)	<u>\$210</u>
VSMP General / Stormwater Management - Phase II Land Clearing (Small Construction Activity - Areas within common plans of development or sale less than 1 acre)	<u>\$210</u>
VSMP Individual Permit for Discharges of Stormwater From Construction Activities	<u>\$15,000</u>

4VAC50-60-825. Fees for the modification of individual permits or the modification or transfer of Registration statements for the General Permit for Discharges of Stormwater from Construction Activities.

The following fees apply to modification of registration statements for the General Permit for Discharges of Stormwater From Construction Activities.

VSMP General / Stormwater Management - Phase I Land Clearing (Large	<u>\$688</u>
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<u>Construction Activity - Sites or areas within common plans of development or sale equal to or greater than 100 acres)</u>	
<u>VSMP General / Stormwater Management - Phase I Land Clearing (Large Construction Activity - Sites or areas within common plans of development or sale equal to or greater than 50 acres and less than 100 acres)</u>	<u>\$436</u>
<u>VSMP General / Stormwater Management - Phase I Land Clearing (Large Construction Activity - Sites or areas within common plans of development or sale equal to or greater than 10 acres and less than 50 acres)</u>	<u>\$321</u>
<u>VSMP General / Stormwater Management - Phase I Land Clearing (Large Construction Activity - Sites or areas within common plans of development or sale equal to or greater than 5 acres and less than 10 acres)</u>	<u>\$243</u>
<u>VSMP General / Stormwater Management - Phase II Land Clearing (Small Construction Activity - Sites or areas within common plans of development or sale equal to or greater than 1 acre and less than 5 Acres)</u>	<u>\$197</u>
<u>VSMP General / Stormwater Management - Phase II Land Clearing (Small Construction Activity – Sites (within designated areas of Chesapeake Bay Act localities) equal to or greater than 0.5 acre and less than 1 acre)</u>	<u>\$107</u>
<u>VSMP General / Stormwater Management - Phase II Land Clearing (Small Construction Activity - Sites (within designated areas of Chesapeake Bay Act localities) equal to or greater than 2,500 square feet and less than 0.5 acre)</u>	<u>\$21</u>
<u>VSMP General / Stormwater Management - Phase II Land Clearing (Small Construction Activity - Areas within common plans of development or sale less than 1 acre)</u>	<u>\$21</u>
<u>VSMP Individual Permit for Discharges of Stormwater From Construction Activities</u>	<u>\$5,000</u>

4VAC50-60-830. Permit maintenance fees.

A. The following annual permit maintenance fees apply to each VSMP permit identified below, including expired permits that have been administratively continued:

<u>VSMP Municipal Stormwater / MS4 Individual (Large and Medium)</u>	<u>\$3,800</u> <u>\$8,000</u>
<u>VSMP Municipal Stormwater / MS4 Individual (Small)</u>	<u>\$400</u> <u>\$4,000</u>
<u>VSMP Municipal Stormwater / MS4 General Permit (Small)</u>	<u>\$2,000</u>
<u>VSMP General / Stormwater Management - Phase I Land Clearing (Large Construction Activity - Sites or <u>areas within</u> common plans of development <u>or sale</u> equal to or greater than <u>5 100</u> acres)</u>	<u>\$0</u> <u>\$1,375</u>
<u>VSMP General / Stormwater Management - Phase I Land Clearing (Large Construction Activity - Sites or areas within common plans of development or sale equal to or greater than 50 acres and less than 100 acres)</u>	<u>\$871</u>
<u>VSMP General / Stormwater Management - Phase I Land Clearing (Large Construction Activity - Sites or areas within common plans of development or sale equal to or greater than 10 acres and less than 50 acres)</u>	<u>\$641</u>
<u>VSMP General / Stormwater Management - Phase I Land Clearing (Large</u>	<u>\$485</u>

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<u>Construction Activity - Sites or areas within common plans of development or sale equal to or greater than 5 acres and less than 10 acres)</u>	
VSMP General / Stormwater Management - Phase II Land Clearing (Small Construction Activity - Sites or <u>areas within common plans of development or sale equal to or greater than 1 acre and less than 5 Acres)</u>	<u>\$0</u> <u>\$394</u>
VSMP General / Stormwater Management - Phase II Land Clearing (Small Construction Activity – Sites (within designated areas of Chesapeake Bay Act localities) <u>equal to or greater than 0.5 acre and less than 1 acre)</u>	<u>\$215</u>
VSMP General / Stormwater Management - Phase II Land Clearing (Small Construction Activity - Sites (within designated areas of Chesapeake Bay Act localities) <u>equal to or greater than 2,500 square feet and less than 0.5 acre)</u>	<u>\$42</u>
VSMP General / Stormwater Management - Phase II Land Clearing (Small Construction Activity - Areas within common plans of development or sale <u>less than 1 acre)</u>	<u>\$42</u>
<u>VSMP Individual Permit for Discharges of Stormwater From Construction Activities</u>	<u>\$3,000</u>

~~B. An additional permit maintenance fee of \$1,000 shall be paid annually by permittees in a toxics management program. Any facility that performs acute or chronic biological testing for compliance with a limit or special condition requiring monitoring in a VPDES permit is included in the toxics management program.~~